

MIDDLEBROOKS SHAPIRO, P.C.

841 Mountain Avenue, First Floor
Springfield, New Jersey 07081
(973) 218-6877
Melinda D. Middlebrooks, Esq.
middlebrooks@middlebrooksshapiro.com
Attorneys for Hiteshri Patel,
Chapter 11 Debtor and Debtor-in-Possession

In the Matter of:	:	UNITED STATES BANKRUPTCY COURT
	:	FOR THE DISTRICT OF NEW JERSEY
	:	
HITESHRI PATEL,	:	Honorable Kathryn C. Ferguson
	:	
Chapter 11 Debtor and	:	Chapter 11
Debtor-in-Possession.	:	
	:	Case No. 20-17880-KCF
	:	

Hearing Date: August 19, 2021 at 2:00 p.m.

**AMENDED CERTIFICATION OF BALLOTING FOR THE FIRST
MODIFIED PLAN OF REORGANIZATION FILED ON BEHALF OF
HITESHRI PATEL, CHAPTER 11 DEBTOR AND DEBTOR-IN-POSSESSION**

I, Melinda D. Middlebrooks, Esq., of legal age, do hereby certify and say:

1. I am the Managing Partner of the law firm of Middlebrooks Shapiro, P.C., Chapter 11 counsel to Hiteshri Patel, the above-captioned Chapter 11 Debtor and Debtor in Possession (the “Debtor”), and as such, I have personal knowledge of the facts recited herein.

2. The Amended Table of Acceptances/Rejections of the First Modified Plan of Reorganization (the “Plan”) annexed hereto as Exhibit A is an accurate representation of the Ballots received by Middlebrooks Shapiro, P.C. of creditors acceptance or rejection of the Debtor’s Plan. Copies of the executed ballots are also annexed hereto as Exhibit B.

3. Secured creditor Unity Bank with an unimpaired Class 1 claim voted in the affirmative (acceptance) in favor of Confirmation of the Debtor’s Plan. *See, Exhibit B*.

4. Class 3, West Valley National Bank with an impaired secured claim in the sum of \$591,638.78 voted in the affirmative (acceptance) in favor of Confirmation of the Plan. *See, Exhibit B.*

5. Class 4 claimant, NFS Leasing, Inc. (“NFS”) previously voted in the negative (rejection) of Confirmation of the Plan pending the outcome of the Adversary Proceeding regarding treatment of its general unsecured claim solely for voting purposes in the sum of \$1,686,263.27.¹

5. NFS originally voted in the negative (rejection) of Confirmation of the Plan pending the outcome of the Adversary Proceeding as to the extent, validity and priority of its alleged secured claim.

6. Based upon the Court approved Settlement by and between the Debtor and NFS, NFS amended its general unsecured Class 4 claim in the sum of \$1,539,263.27 in favor of the Plan, and its secured Class 5 Ballot in the sum of \$150,000.00 also in favor of the Debtor’s Plan. *See, Exhibit B.*

¹NFS Leasing, Inc.’s claims in this Chapter 11 proceeding was disputed by the Debtor and was the subject of an adversary proceeding captioned *Patel v. NFS Leasing, Inc.* bearing Adversary Pro. No. 21-01180-KCF (the “Adversary Proceeding”). Pursuant to the Order Granting NFS Leasing, Inc.’s Motion for Temporary Allowance of its Claim for Voting Purposes Pursuant to Rule 3018 of the Federal Rules of Bankruptcy Procedure filed on May 14, 2021 (the “May 14th Order”), NFS Leasing, Inc. (“NFS”) was afforded a temporary allowance of a general unsecured claim in the sum of \$1,686,263.27 solely for voting purposes. *See*, Docket No. 186 at decretal paragraph 2. The parties to the Adversary Proceeding reached a settlement (the “Settlement”), which Settlement was approved by this Court on August 17, 2021. *See*, Docket No. 232, filed Order Approving Settlement Pursuant to D.N.J LBR 9019-3; and For Related Relief (the “Order”). Pursuant to the Order, NFS amended its Class 4 and Class 5 Ballots to reflect affirmative votes for the Plan.

I hereby certify that the statements contained herein are true and correct to the best of my knowledge, information and belief. If such statements made by me are wilfully false, I understand that I am subject to punishment.

/s/ Melinda Middlebrooks
Melinda D. Middlebrooks, Esq.

Dated: August 18, 2021

Exhibit

"A"

**IN RE: HITESHRI PATEL,
CASE NO. 20-17880-KCF**

CREDITOR	CLASS OF CLAIM/ SECURED/UNSECURED	AMOUNT OF CLAIM	ACCEPT (A) REJECT (R)
West Valley National Bank	Class 3/ Secured	591,638.78	A
NFS Leasing, Inc.	Class 4/ General Unsecured	1,539,263.27	A
NFS Leasing, Inc.	Class 5/ Secured	150,000.00	A

Exhibit

"B"

In Re:	:	UNITED STATES BANKRUPTCY COURT
	:	DISTRICT OF NEW JERSEY
HITESHRI PATEL,	:	
	:	Honorable Kathryn C. Ferguson
Chapter 11 Debtor and	:	Chapter 11
Debtor-in-Possession.	:	
	:	Case No. 20-17880-KCF

CLASS 3 BALLOT
FOR ACCEPTING OR REJECTING PLAN OR REORGANIZATION

HITESHRI PATEL filed her Modified Combined Chapter 11 Plan of Reorganization and Disclosure Statement on January 28, 2021 in this case. The Bankruptcy Court has conditionally approved the Disclosure Statement with respect to the Plan. The Disclosure Statement provides information to assist you in deciding how to vote your Ballot. If you do not have a Disclosure Statement, you may obtain a copy from Melinda D. Middlebrooks, Esq., Middlebrooks Shapiro, P.C., 841 Mountain Ave., First Floor, Springfield, NJ 07081, (973) 218-6877, (fax) (973) 218-6878. Court approval of the Disclosure Statement does not indicate approval of the Plan by the Bankruptcy Court.

You should review the Combined Plan of Reorganization and Disclosure Statement before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your claim has been placed in CLASS 3 under the Plan. If you hold claims or equity interest in more than one class, you will receive a Ballot for each class in which you are entitled to vote.

If your Ballot is not received by Melinda D. Middlebrooks, Esq., Middlebrooks Shapiro, P.C., 841 Mountain Ave., First Floor, Springfield, NJ 07081, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court it will be binding on you whether or not you vote.

ACCEPTANCE OR REJECTION OF THE PLAN

The undersigned, the holder of a CLASS 3 CLAIM against the Debtor in the unpaid amount of \$591,638.78 plus accrued interest and fees plus attorney's fees and expenses.


(Check one box only)

☒ **ACCEPTS THE PLAN**

☐ **REJECTS THE PLAN**

Dated: 3/5/21

Print or type name: Brett Bhesania

Signature: 

Title (if corporation or partnership): SVP Credit Administrator

Address: West Valley National Bank
2111 E. Highland Ave., #B-150
Phoenix, AZ 85016

RETURN THIS BALLOT TO:

Middlebrooks Shapiro, P.C.
841 Mountain Ave., First Floor, Springfield, NJ 07081
Attn: Patel Ballot Section.

In Re:

HITESHRI PATEL,Chapter 11 Debtor and
Debtor-in-Possession.

: UNITED STATES BANKRUPTCY COURT
 : DISTRICT OF NEW JERSEY
 :
 : Honorable Kathryn C. Ferguson
 :
 : Chapter 11
 :
 : Case No. 20-17880-KCF

CLASS 4 BALLOT
FOR ACCEPTING OR REJECTING PLAN OF REORGANIZATION

HITESHRI PATEL filed her Modified Combined Chapter 11 Plan of Reorganization and Disclosure Statement on January 28, 2021 in this case. The Bankruptcy Court has conditionally approved the Disclosure Statement with respect to the Plan. The Disclosure Statement provides information to assist you in deciding how to vote your Ballot. If you do not have a Disclosure Statement, you may obtain a copy from Melinda D. Middlebrooks, Esq., Middlebrooks Shapiro, P.C., 841 Mountain Ave., First Floor, Springfield, NJ 07081, (973) 218-6877, (fax) (973) 218-6878. Court approval of the Disclosure Statement does not indicate approval of the Plan by the Bankruptcy Court.

You should review the Combined Plan of Reorganization and Disclosure Statement before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your claim has been placed in CLASS 4 under the Plan. If you hold claims or equity interest in more than one class, you will receive a Ballot for each class in which you are entitled to vote.

If your Ballot is not received by Melinda D. Middlebrooks, Esq., Middlebrooks Shapiro, P.C., 841 Mountain Ave., First Floor, Springfield, NJ 07081, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court it will be binding on you whether or not you vote.

ACCEPTANCE OR REJECTION OF THE PLAN

The undersigned, the holder of a CLASS 4 CLAIM against the Debtor in the unpaid amount of \$1,539,263.27.

(Check one box only)

☒ **ACCEPTS THE PLAN**

☐ **REJECTS THE PLAN**

Dated: August 11, 2021

Print or type name: NFS Leasing, Inc.

Signature: 

Title (if corporation or partnership) Jonas D.L. McCray, GC & VP

Address: 900 Cummings Center, Suite 226-U

RETURN THIS BALLOT TO:

Beverly, Massachusetts 01915

Middlebrooks Shapiro, P.C.
841 Mountain Ave., First Floor, Springfield, NJ 07081
Attn.: Patel Ballot Section

In Re:

: UNITED STATES BANKRUPTCY COURT
: DISTRICT OF NEW JERSEY

HITESHRI PATEL,

: Honorable Kathryn C. Ferguson

Chapter 11 Debtor and
Debtor-in-Possession.

: Chapter 11

: Case No. 20-17880-KCF

CLASS 5 BALLOT
FOR ACCEPTING OR REJECTING PLAN OF REORGANIZATION

HITESHRI PATEL filed her Modified Combined Chapter 11 Plan of Reorganization and Disclosure Statement on January 28, 2021 in this case. The Bankruptcy Court has conditionally approved the Disclosure Statement with respect to the Plan. The Disclosure Statement provides information to assist you in deciding how to vote your Ballot. If you do not have a Disclosure Statement, you may obtain a copy from Melinda D. Middlebrooks, Esq., Middlebrooks Shapiro, P.C., 841 Mountain Ave., First Floor, Springfield, NJ 07081, (973) 218-6877, (fax) (973) 218-6878. Court approval of the Disclosure Statement does not indicate approval of the Plan by the Bankruptcy Court.

You should review the Combined Plan of Reorganization and Disclosure Statement before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your claim has been placed in CLASS 5 under the Plan. If you hold claims or equity interest in more than one class, you will receive a Ballot for each class in which you are entitled to vote.

If your Ballot is not received by Melinda D. Middlebrooks, Esq., Middlebrooks Shapiro, P.C., 841 Mountain Ave., First Floor, Springfield, NJ 07081, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court it will be binding on you whether or not you vote.

ACCEPTANCE OR REJECTION OF THE PLAN

The undersigned, the holder of a CLASS 5 CLAIM against the Debtor in the unpaid amount of \$150,000.00.

(Check one box only)☒ **ACCEPTS THE PLAN**☐ **REJECTS THE PLAN**Dated: August 11, 2021Print or type name: NFS Leasing, Inc.Signature: Title (if corporation or partnership) Jonas D.L. McCray, GC & VPAddress: 900 Cummings Center, Suite 226-U**RETURN THIS BALLOT TO:**Beverly, Massachusetts 01915

Middlebrooks Shapiro, P.C.
841 Mountain Ave., First Floor, Springfield, NJ 07081
Attn.: Patel Ballot Section